

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 7/6/2005

ITEM No. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Nystrom Offices (**2-BA-2005**)

REQUEST Request to approve a Variance from Article V. Section 5.1504.A regarding the floor area ratio and Article V. Section 5.1504.B

OWNER David Nystrom
480-778-8350

APPLICANT CONTACT Jason Nystrom
Nystrom Business Sales
602-999-3139

LOCATION 10309 N Scottsdale Rd

CODE ENFORCEMENT
ACTIVITY None.

PUBLIC COMMENT Staff mailed out the required Citizen Involvement information, and has not received any written comments on this case. Two (2) phone inquiries were received as to the nature of what a variance was.

ZONE The subject parcel is located in the Highway Commercial (C-3) zoning district. This zone generally allows a mix of retail, commercial, and office land uses.

ZONING/DEVELOPMENT
CONTEXT The subject zoning designation (s) are generally found along the City's main arterial roadways. The C-3 district generally has more intense commercial land uses than other commercial districts.

The existing shopping center was constructed in the late 1960's, and was originally subdivided utilizing Maricopa County standards (early 1960's), prior to incorporation into the City of Scottsdale. The center has buildings which front the roadways and perimeter of the shopping center, with the parking lot located in the middle of the center. Individual parcels of land were sold to builders, who constructed on the smaller lots at the perimeter of the center. This parcel is one of the last unimproved parcels in the center.

ORDINANCE
REQUIREMENTS Section 5.1504 A. Floor Area Ratio. Requirement: 0.8
Applicant Proposed FAR: 1.58

Section 5.1504. B. Volume. Requirement: Max. Volume = 23,040 (9.6 x Net Lot Area (2400 square feet))
Applicant Proposed Volume: 42,240 (3840 square feet X 11 Feet (Height of each floor))



DISCUSSION

The applicant is requesting a variance to the City's Zoning code, specifically for the following provisions:

- FAR (Floor Area Ratio)
- Volume

Generally, under state law, very specific findings must be made in order for the granting of a variance to be approved. These findings are contained the next section, along with staff analysis of how the project addresses each item.

Subject to the these findings, the Board may grant the variance if sufficient evidence exists which suggests that this approval will not grant a special privilege this property owner, which would not exist for others in a similarly situated lot configuration in the same zoning district.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

Applicant Response: All other buildings were erected prior to the recent growth in the City of Scottsdale, particularly the Scottsdale Road and Shea area. There is a high demand for small office suites that would rent at reasonable rates.

Staff Analysis: The subject property is similarly situated to virtually all the parcels of land in the subject shopping center. Much of the subdivision was created prior to annexation into the City, and under different zoning criteria (Maricopa County). Many of the existing structures, however, were built utilizing the City of Scottsdale zoning ordinance, and are primarily single story structures, which meet the provisions of the current zoning ordinance. The standards of this ordinance have not changed over time.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

Applicant Response: Any empty lot in the middle of the center is an eyesore to all the adjacent properties. There are several two-story facilities in the center. Another two-story facility in the center would add to the variety and value of the complex. From the front, a 3800 square foot building would look like a 2400 square foot building.

Staff Analysis: Most of the structures, if not all at this shopping center (same zoning classification & district), would likely meet the current requirements regarding Floor Area Ratio and Volume. Most are 1-story structures, and even with vaulted ceilings, would meet both sets of criteria.

3. That special circumstances were not created by the owner or applicant:

Applicant Response: None that the applicant is aware of.

Staff Analysis: The criteria for volume and FAR were established after the subdivision and sale of the original lot, by virtue of the parcel's creation using County standards. Generally speaking, due to the relatively small size of this lot, 2 stories would not be possible to achieve; whereas a larger parcel in the same zoning district would be able to achieve greater volume. As such, even though this parcel is in the same C-2 zoning classification as many properties along the City's main arterials, it does not enjoy the benefits of the height limits in the district by virtue of its small parcel size.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

Applicant Response: Both owners on each side have been contacted and have expressed no question about the size of our project. Parking will not be an issue; as evidenced in the submittal information.

Staff Analysis: A two-story structure would not be detrimental to the public safety, health and welfare at this location. The C-2 district contemplates such structures. The limitations on this property are imposed by virtue of the calculations being generated based on parcel size and the applicants request for a two-story building. This lot is substantially small for a C-2 zoned district along Scottsdale Rd.

STAFF CONTACT

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Report Author
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E-mail: Mcummins@scottsdaleaz.gov

Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Narrative
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 12-6-04

Project No.: 477 - PA - 2004

Coordinator: MAL CUMMINS

Case No.: _____ - _____ - _____

Project Name: NYSTROM BUSINESS OFFICE

Project Location: 10309 N SCOTTSDALE RD

Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: C-3

Proposed Zoning: C-3

Number of Buildings: 1

Parcel Size: _____

Gross Floor Area/Total Units: 1970-1ST FLR

Floor Area Ratio/Density: 80%

Parking Required: _____

Parking Provided: _____

Setbacks: N - 0 S - 0 E - 0 W - 0

Description of Request:

WE ARE REQUESTING A VARIANCE ON THE SIZE OF BUILDING,
BOTH FAR + VOLUME, TO BE BUILT ON LOT 56,
10309 N. SCOTTSDALE RD, SCOTTSDALE, 85253. PARCEL #
175-33-053A

CURRENT STANDARDS ONLY ALLOW FOR A 2400 SQ FT
BUILDING. WE ARE REQUESTING A 3800 SQ FT BLDG.

2-BA-2005
3-18-05

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

ALL OTHER BUILDINGS WERE ERECTED PRIOR TO THE RECENT GROWTH OF THE SCOTTSDALE/SHEA AREA. THERE IS A HIGH DEMAND FOR SMALL OFFICE SUITES THAT WOULD RENT AT A REASONABLE RATES.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

ANY EMPTY LOT IN THE MIDDLE OF THE CENTER IS AN EYESORE TO ALL. THERE ARE SEVERAL TWO STORY FACILITIES IN THE CENTER. ANOTHER 2 STORY FACILITY IN THE CENTER WOULD ADD TO THE VARIETY & VALUE OF THE COMPLEX. FROM THE FRONT A 3000 SQ FOOT BUILDING WOULD LOOK JUST LIKE A 2400 SQ FOOT BUILDING.

3. Special circumstances were not created by the owner or applicant:

NONE THAT WE ARE AWARE OF

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

BOTH OWNERS ON EACH SIDE HAVE BEEN CONTACTED AND HAVE EXPRESSED NO QUESTION ABOUT THE SIZE OF OUR PROJECT. PARKING IS WELL NOT AN ISSUE - LOT 56 IS ALLOCATED 12 PARKING BY COMPLEX ASSOCIATION. PER CITY CODE ARTICLE IX TABLE 9.2 WE NEED TO HAVE 1 SPACE PER 300 SQ FEET SEE ATTACHED SHEET.

Planning and Development Services Department

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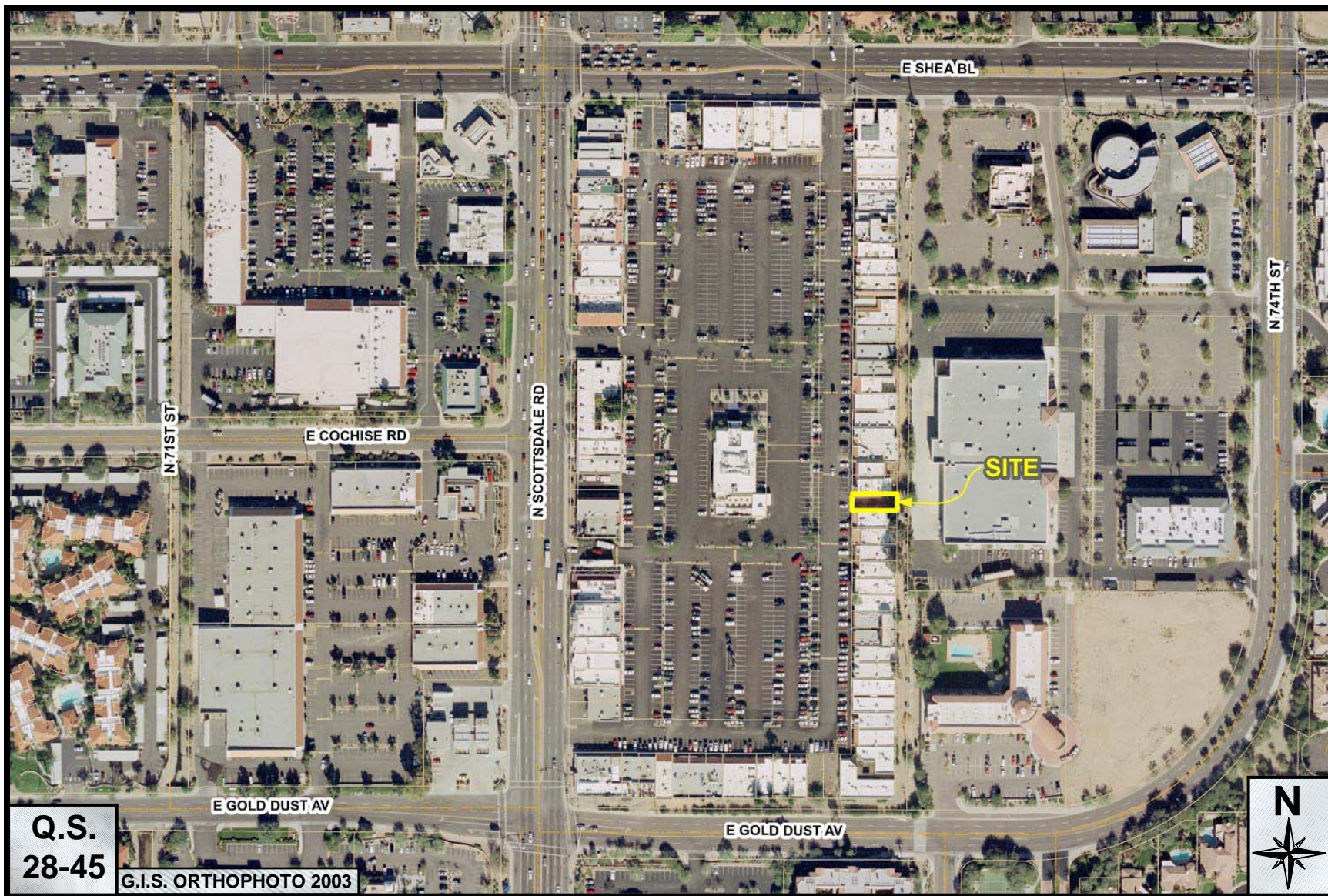
JUSTIFICATION FOR VARIANCE

#4)

At 3800 SQ FEET WE WOULD BE REQUIRED TO HAVE 12.6 SPACES FOR PARKING. WE ALREADY HAVE 12. THIS DOES NOT INCLUDED 1 OR 2 SPACES WE CAN ADD TO THE REAR OF THE PROJECT IF NEEDED.

- THERE IS NO ~~ASSIGNED~~ ASSIGNED PARKING IN THIS LOT. WE AS OWNERS HAVE A EQUAL SHARED PART OF ALL OWNERS IN COMPLEX THERE IS 1121 PARKING SPACES IN THE COMPLEX. WE HAVE RIGHTS TO 1/91 % OF THOSE SPACES - WHICH PUT US AT 12.3 SPACES. THE INFO CAME FROM (CASE # 2- UP- 2004)

- TO MY KNOWING ALL OTHER PROPERTY IN THE CITY HAVE AREA OF LAND THAT WILL BE USED FOR PARKING LOTS TO FIGURE THERE FAR + VOLUME. OUR PARKING AREA IS A SHARD SHARED WITH ALL OTHER OWNERS



Nystrom Offices

2-BA-2005

ATTACHMENT #2



Q.S.
28-45

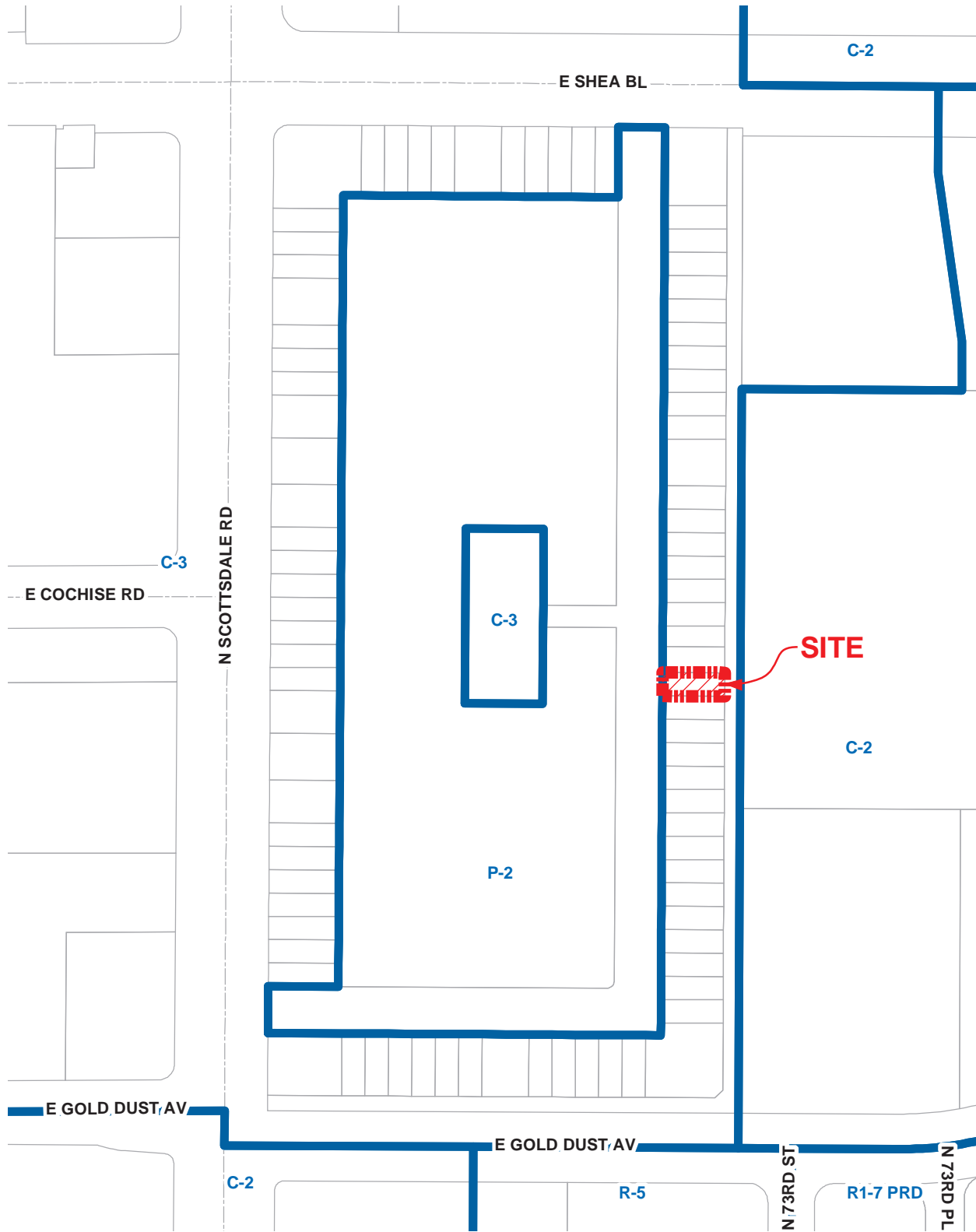
G.I.S. ORTHOPHOTO 2003



Nystrom Offices

2-BA-2005

ATTACHMENT #2A



2-BA-2005

ATTACHMENT #4

NYSTROM OFFICES
PARADISE VALLEY PLAZA
10309 N. SCOTTSDALE RD.
SCOTTSDALE, AZ 85253

FRANKLIN ARCHITECTS
5721 W. LEIBER PLACE
GLENDALE, AZ 85310
(623) 580-0632

PHOTOS



1) FRONT – WEST



2) FRONT - NORTH

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PHOTOS



3) FRONT – NORTH EAST



4) FRONT - EAST

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PHOTOS



5) FRONT – SOUTH EAST



6) FRONT - SOUTH

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PHOTOS



7) BACK – WEST



8) BACK – NORTH WEST

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PHOTOS



9) BACK – NORTH



10) BACK – EAST

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PHOTOS



11) BACK – SOUTH



12) BACK – SOUTHWEST

